

REMARKS

No claims are amended, claims 42-68 are canceled without prejudice or disclaimer, and claims 69-72 are added; as a result, claims 1-41 and claims 69-72 are now pending in this application, where claims 1-15 and 69-72 are elected in response to a restriction requirement for pending examination. The amendments to the claims are fully supported by the specification as originally filed. No new matter is introduced. Applicant respectfully requests reconsideration of the above-identified application in view of the amendments above and the remarks that follow.

Election Response

In response to the Restriction Requirement mailed 23 July 2004, Applicant elects Group I that includes claims 1-15. Applicant respectfully withdraws claims 16-41 without prejudice and reserves the right to reintroduce them for reconsideration in this application upon the allowance of a linking claim or to reintroduce them in a divisional application at a later date. Applicant respectfully cancels claims 42-68 without prejudice or disclaimer and reserves the right to reintroduce them for reconsideration in a divisional application at a later date.

Claims 69-72 are added and do not introduce new matter. Claims 69-72 are line with the subject matter of claim 1.

Applicant does not traverse the restriction requirement, but does traverse the explanation of the restriction requirement. For example, with respect to Group I, claims 1-15, and Group II, claims 16-19, the Office Action states “the combination as claimed does not require the particulars of the subcombination as claimed because the capacitor of group II requires other steps such as forming of electrodes. The subcombination has separate utility such as the dielectric layer could be a dielectric layer for a gate, a cap layer of sidewalls.”

Applicant respectfully submits that the presence of additional features in a specific claim does not preclude the specific claim from being linked to another independent claim such as a generic claim. In support of Applicant’s position, claims 69-72 are added. Claim 69 links claim 1 and claims Group II claims 16-19. Claim 70 links claim 1 and Group III claims 20-26. Claim 71 links claim 1 and Group IV claims 27-33. Claim 72 links claim 1 and Group V claims 34-41.

RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

Serial Number: 10/602,323

Filing Date: June 24, 2003

Title: LANTHANIDE OXIDE / HAFNIUM OXIDE DIELECTRIC LAYERS

Page 11

Dkt: 1303.101US1

In the Claims

New claims 69-72 are added and do not introduce new matter. Claims 69-72 provide linking claims to the withdrawn claims 16-41.

Applicant respectfully requests consideration and allowance of the claims 1-15 and 69-72. Further, with the allowance of these claims, Applicant requests the rejoinder and allowance of non-elected claims 16-41. *See M.P.E.P. 809.*

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested.

The Examiner is invited to contact Applicant's Representatives at the below-listed telephone number if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

KIE Y. AHN ET AL.

By their Representatives,

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Date 23 August 2004

By



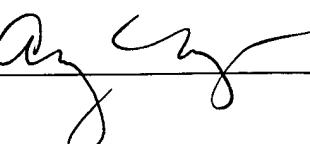
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23rd day of August, 2004.

Name

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Signature



Amy Moriarty